

BOARD OF SUPERVISORS

MINUTES

September 17, 2003

Supervisors in Attendance:

Mr. Arthur S. Warren, Chairman
Mr. J. L. McHale, III, Vice Chrm.
Mr. Edward B. Barber
Mrs. Renny B. Humphrey
Mr. Kelly E. Miller

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Craig Bryant, Dir.,
Utilities
Ms. Jana Carter, Dir.,
Youth Services
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. William Dupler,
Building Official
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Lawrence C. Haake, III
Registrar
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Thomas E. Jacobson,
Dir., Planning
Mr. H. Edward James,
Dir., Purchasing
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Dr. William Nelson,
Dir., Health Dept.
Mr. Francis Pitaro, Dir.,
General Services
Ms. Chris Ruth, Asst.
Dir., Public Affairs
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services

Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development

Mr. Warren called the regularly scheduled meeting to order at 3:38 p.m.

1. APPROVAL OF MINUTES FOR AUGUST 27, 2003

On motion of Mr. McHale, seconded by Mr. Miller, the Board approved the minutes of August 27, 2003, as submitted.

Ayes: Warren, McHale and Miller.

Nays: None.

Absent: Barber and Humphrey.

Mrs. Humphrey arrived at the meeting.

2. COUNTY ADMINISTRATOR'S COMMENTS

- o Ms. Lynda Price, Emergency Management Coordinator, provided an update on the status of Hurricane Isabel and the preparations being made in the county for the potential disaster. She stated the Emergency Operations Center will be activated at 4 p.m. today; the County Administrator has declared a local state of emergency; and Meadowbrook High School will be activated as a shelter at 8 p.m. tonight with Thomas Dale High School as a standby shelter.

Discussion ensued relative to the criteria used when choosing shelters.

Mr. Ramsey stated people are coming to the region from the coastal areas and local hotels are already completely full. He requested that the Board confirm the local state of emergency declaration.

Mr. McHale made a motion, seconded by Mrs. Humphrey, for the Board to confirm the local state of emergency declared by the County Administrator.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

- o Mr. Ramsey stated that, at a joint meeting held between the Board and the Planning Commission in February 2001, staff was directed to test the Comprehensive Plan to determine whether there are major problems facing the county in the future as a result of the plan. He further stated the study was completed by assuming build out of the County's Comprehensive Plan and assessing infrastructure needs using the Public Facilities Plan and noted that no timeframe was used in analyzing build out of the Comprehensive Plan.

Mr. Glenn Larson, Assistant Director of Planning, presented an overview of the growth analysis project. He stated the growth analysis determines how and where the county will grow to plan build out; what facilities will be needed to serve that growth; how much those facilities will cost; and how growth patterns affect the

cost of public facilities. He reviewed components of the project, including an archived zoning case system; a development potential database; and a growth phasing analysis. He stated the growth analysis is a work in progress and staff anticipates the final report will be complete in early 2004. He stated the growth analysis factors in growth development potential based upon the land use plan recommendations of the Comprehensive Plan and other important elements. He further stated underutilized land within the county has also been identified. He reviewed growth aspects of the analysis, stating that as of December 2001, there were approximately 101,800 residential dwellings in the county and the build out projection includes an additional 113,900 dwellings. He noted the rural conservation area remained as recommended in the Comprehensive Plan for the analysis.

When asked, Mr. Larson stated the analysis reflects current zonings as well as special conditions on the properties within the county. He reviewed the amount of future development potential that is currently unzoned, which is approximately 63,600 units. He noted the analysis also looks at the potential for commercial and industrial development. He stated a projected 50,300 units could potentially be developed on land already zoned for some residential purpose. He further stated, because the resources were not available to consider the development potential of all county property, basic assumptions were made about the growth potential of property based on historic zoning trends.

Mr. Ramsey noted staff attempted to adjust the number of lots to realistic development expectations.

Discussion ensued relative to property with no development potential.

When asked, Mr. Larson stated he feels the western portion of Henrico County is getting close to build out, but the eastern part still has significant development potential. He further stated that, taking into account the historic trend over the past few years, the build out for Chesterfield County could be projected at approximately 50-plus years based on the current Comprehensive Plan, indicating that this is a long range projection with a number of variations, thus it should be considered a working figure. He then reviewed the costs associated with the build out projections, stating that it could cost \$5.7 billion to pay for the public facilities needed to serve projected growth. He reviewed how this figure would be shared between Transportation, Schools, Utilities, Fire, Libraries and Parks.

When asked, Mr. Larson stated the projected \$5.7 billion is the total cost of what has been identified as the "gap" needed to catch up with existing levels of service standards, as well as the additional amount needed for new development. He noted the county is currently \$1.2 billion behind in providing road needs in the county.

Mr. Warren noted that transportation needs are paid for by the state rather than local government.

Mr. Larson stated a portion of the "gap" is already being addressed through the Capital Improvement Program. He then introduced Ms. Dickson to provide information relative to revenue issues associated with the figures.

Ms. Dickson stated the build out costs and data were driven by the service level standards in the county's

Public Facilities Plan. She further stated staff focused on the 20-year timeframe of the Public Facilities Plan. She stated that continuing the pay-for-growth policies the Board has adopted, and combining that with debt financing, staff projects that the needs identified in the Public Facilities Plan, excluding roads, can be addressed over the 20-year timeframe.

When asked, Ms. Dickson stated that cash proffer projections are based on the current cash proffer amounts. She further stated cash proffers and the pay-as-you-go reserve are projected to provide approximately 38 percent of the funding in the Public Facilities Plan, and debt financing 62 percent. She noted facility costs were estimated using an inflationary factor, and projections were made assuming the tax rate would not have to be increased.

Mr. Ramsey noted that, if the objective of improving business growth is met, the county's financial picture would improve.

Mr. McCracken came forward to provide information relative to transportation issues associated with the growth analysis project. He stated there is a struggle across the entire country to address infrastructure needs, and the problem is not unique to Chesterfield County. He further stated the current land use plan reflects a lower density, which places lower demands on the transportation network.

Mr. Warren noted the Board did exceptionally well in the 1990's in addressing transportation needs.

Mrs. Humphrey expressed concerns relative to the impact of growth in neighboring jurisdictions on the county's infrastructure. She requested that staff provide the Board with a traffic count on Route 360 at the county line.

Mr. McCracken continued to review transportation issues associated with the growth analysis project. He then reviewed revenue projections to address transportation needs for FY04-09, stating that trying to maintain the level of transportation service we have today is probably the most realistic goal we can achieve. He further stated as future six-year plans are developed, road projects will probably consist of cutting trees and adding shoulders rather than rebuilding roads in their entirety.

Mr. Larson reviewed initial findings and implications of the growth analysis project, including a projection to quadruple the amount of county commercial and industrial space; financial and pay for growth policies resulting in significant facilities being paid for with "pay-as-you-go" funding, resulting in less dependence on future debt; need to establish a strategy to address funding transportation; and improved information on development trends.

Mr. Warren stressed the importance of the Board following the Comprehensive Plan when making land use decisions.

When asked, Mr. Larson stated the analysis was prepared with December 31, 2001 as its base. He further stated the final report is being prepared and should be presented to the Board after January 1, 2004.

Mr. McHale stated the Comprehensive Plan is a living document, and the growth analysis provides a methodology

to allow the Board to make judgments about policies that could have long-term implications on the county's future.

Mr. Warren thanked Mr. Larson for the informative presentation.

- o Mr. Christopher Lindbloom, Chairman of the Drug and Alcohol Abuse Task Force and Substance Abuse Free Environment (SAFE), presented an overview of the task force's recommendations. He stated members of the task force feel its charge to recommend the most effective and comprehensive approach to deal with substance abuse in the county has been completed, and emphasis should now be on expanding involvement from all sectors of the community and SAFE to increase its capacity to implement a variety of substance abuse prevention activities. He further stated the task force feels the Board of Supervisors needs to maintain strong ties with the community coalition and its substance abuse prevention efforts; and recommends that each Board member appoint up to two members to serve on the SAFE Board of Directors. He stated the SAFE Board of Directors supports this recommendation and has revised its by-laws to allow for such appointments. He noted several of the present members of the Drug and Alcohol Abuse Task Force are interested in being appointed to SAFE in this capacity. He stated the task force also recommends that the Department of Youth Services continue to provide staff support to SAFE as the coalition continues to evolve and grow.

Mr. Warren requested that Mr. Ramsey prepare an item for the October 8, 2003 agenda relative to the Drug and Alcohol Abuse Task Force's recommendations.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board added Item 8.B.1., Appointment to Virginia's Gateway Region Board; added Item 8.C.3.c., Set Date for Public Hearing to Consider an Amendment to the Erosion and Sediment Control Ordinance; deleted Item 8.C.6., Refer to Planning Commission the Zoning Ordinance Amendment Relative to Signs on Parked Vehicles; deleted Item 8.C.10., Approval of the Purchase of Parcels of Land Adjacent to Ironbridge Park; replaced Item 8.C.12., Authorization for T-Mobile to Apply for Conditional Use for Construction of a Communications Tower at Ettrick Park; added Item 8.C.16., Award of Contract for Permitting Services for Regional BMP Master Plan for the Swift Creek Reservoir Watershed; added Item 8.C.17., Approval of the Creation of two New Drainage/Construction Inspector Positions in the Environmental Engineering Department; added Item 14.D., Resolution Recognizing Ms. Jennifer Valenzuela, "Miss Hispanic Virginia," for Her Superior Achievements; and adopted the Agenda, as amended.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

O CONSIDERATION OF AN ORDINANCE TO ESTABLISH THE "ENGLEWOOD SEWER ASSESSMENT DISTRICT" FOR 24-LOTS IN THE ENGLEWOOD SUBDIVISION

Mr. Warren stated Mr. Barber has indicated he intends to defer this item as well as the related public hearing regarding the issue until October 22, 2003 while he discusses with the county's General Assembly delegation possible changes to state assessment district laws.

On motion of Mr. Warren, seconded by Mr. McHale, the Board deferred consideration of an ordinance to establish the "Englewood Sewer Assessment District" for 24-lots in the Englewood Subdivision until October 22, 2003.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8. NEW BUSINESS

8.A. ADOPTION ON AN EMERGENCY BASIS OF AN ORDINANCE AMENDING AND ADDING A SECTION TO COUNTY CODE TO ALLOW THE COUNTY TO COLLECT A FEE AS COURT COSTS IN JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT AND CIRCUIT COURT TO DEFRAY THE COST OF OPERATING THE COUNTY'S POLICE AND SHERIFF'S TRAINING ACADEMIES

Mr. Micas stated staff is requesting that the Board adopt the proposed resolution on an emergency basis to clarify that the \$1.00 fee upon conviction of a misdemeanor or traffic offense in general district courts also be collected in the juvenile and domestic relations district courts.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution on an emergency basis:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 9-133 AND BY ADDING SECTION 9-134
RELATING TO FEES COLLECTED FOR CRIMINAL AND TRAFFIC
CONVICTIONS IN DISTRICT COURTS AND CIRCUIT COURT TO SUPPORT
CRIMINAL JUSTICE TRAINING ACADEMIES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 9-133 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Section 9-133. Collection of fee in district courts to support criminal justice training academies.

- (a) The county hereby assesses a fee of \$1.00, as court costs in the district courts, for misdemeanors, traffic offenses, and criminal actions or proceedings for violation of any provision of Code of Virginia, tit. 18.2, ch. 7, art. 1, (§§ 18.2-247 et seq.), as amended.
- (b) Assessment of the fees provided for in this section shall be based on: (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of guilty; or (v) a deferral of proceedings pursuant to Code of Virginia §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-67.2:1, 18.2-251 or 19.2-303.2, as amended.
- (c) After collection by the clerk of the district court, the fee shall be remitted to the county treasurer and held in a special nonreverting fund that will be used solely to support the Police and Sheriff Departments' criminal justice training academies.

(2) That Section 9-134 of the Code of the County of Chesterfield, 1997, as amended, is added to read as follows:

Section 9-134. Collection of fee in circuit court to support criminal justice training academies.

- (a) Pursuant to Code of Virginia §9.1-106, as amended, the county hereby assesses a fee of \$1.00, as court costs in the circuit court, for those cases as provided in Code of Virginia §§17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, and 17.275.9, as amended.
- (b) After collection by the clerk of the circuit court, the fee shall be remitted to the county treasurer and held in a special nonreverting fund that will be used solely to support the Police and Sheriff Departments' criminal justice training academies.

(3) That this ordinance with respect to Section 9-133 shall become effective immediately upon adoption.

(4) That this ordinance with respect to Section 9-134 shall become effective on October 1, 2003.

And, further, the Board set the date of October 8, 2003 at 7:00 p.m. for a public hearing to consider re-adoption of the ordinance.

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

8.B. STREETLIGHT INSTALLATION APPROVAL

On motion of Mr. McHale, seconded by Mr. Miller, the Board approved the following streetlight requests:

Bermuda District

- In the Quail Oaks community:
9423 Hilda Avenue, pole # 7319H
9410 Brandywine Avenue, pole #NO-33
2716 Perlock Road, pole #7296E
10151 Beaumont Avenue, pole #PG-61
3210 Kingsdale Road, pole #6-31-KD
2700 General Boulevard, pole #RK-42

Cost to install streetlights: \$2,465*

*Preliminary estimate - subject to change pending final engineering design.

Dale District

- In the vicinity of 7710 Old Beach Road
Cost to install streetlight: \$33.26

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.B.1. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board suspended its rules at this time to allow for simultaneous nomination/reappointment of members to serve on Virginia's Gateway Region Board.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

o VIRGINIA'S GATEWAY REGION BOARD (FORMERLY ABIDCO)

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board simultaneously nominated/reappointed Mr. Gary Thomson, Mr. Jim Daniels and Mr. J. L. McHale, III to serve as at-large members on Virginia's Gateway Region Board, whose terms are effective September 30, 2003 and expire September 30, 2004.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. DESIGNATING THE FOURTH MONDAY IN SEPTEMBER AS "FAMILY DAY" IN CHESTERFIELD COUNTY

Ms. Carter introduced Mr. Christopher Lindbloom, Chairman of the Drug and Alcohol Abuse Task Force and Substance Abuse

Free Environment (SAFE), who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the observance of "Family Day - A Day to Eat Dinner with Your Children" provides a unique opportunity for families in Chesterfield County to join one another at the dinner table as a means of strengthening family relationships; and

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, surveys conducted by the National Center on Addiction and Substance Abuse have consistently found that children and teenagers who routinely eat dinner with their families are far less likely to use cigarettes, alcohol and illegal drugs; and

WHEREAS, meal times offer opportunities for families to spend time together, providing a basic structure that strengthens and encourages lasting relationships; and

WHEREAS, young people from families who almost never eat dinner together compared to those that do are 72 percent more likely to use cigarettes, alcohol and illegal drugs; and

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse is well documented; and

WHEREAS, Chesterfield County Youth Services and SAFE, Chesterfield's substance abuse prevention coalition, are promoting the importance of family dinners to parents in Chesterfield County, Virginia; and

WHEREAS, the Chesterfield County Board of Supervisors recognizes that eating dinner as a family is an important step toward raising drug-free children.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly recognizes Monday, September 22, 2003 as "Family Day - A Day to Eat Dinner With Your Children," to recognize the positive impact of strong family interaction on the well being and future success of the young people in Chesterfield County.

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

Mr. Warren presented the executed resolution to Mr. Lindbloom, accompanied by Ms. Carter, and encouraged residents to participate in "Family Day."

Mr. Ramsey expressed appreciation to Mr. Lindbloom and members of the Drug and Alcohol Abuse Task Force and SAFE for keeping the Board well advised on substance abuse prevention efforts.

Mr. Lindbloom expressed appreciation to the Board for supporting the families of Chesterfield County.

5.B. DESIGNATING NOVEMBER 4, 2003, AS "TAKE YOUR KIDS TO VOTE DAY" IN CHESTERFIELD COUNTY

Mr. Stegmaier introduced Mr. Larry Haake, Registrar, and Ms. Julia Flowers, President of the League of Women Voters, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the right to vote is a fundamental right in the U.S.A.; and

WHEREAS, in addition to being a right, voting is also a responsibility; and

WHEREAS, in the 1972 general election, only 63 percent of American adults voted; and

WHEREAS, in the 2000 presidential election, that number dropped to 51 percent; and

WHEREAS, traditionally, potential voters between the ages of 18 and 24 have low turnout histories; and

WHEREAS, reversing this trend by our young people is vital to the future of our American democracy; and

WHEREAS, research by the Council for Excellence in Government suggests that parents have a major role in the development of their children's future voting habits; and

WHEREAS, young people whose parents vote regularly are twice as likely to vote as their peers; and

WHEREAS, surveys also show these children are more likely to volunteer, and otherwise engage in civic and community activities.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of September 2003, publicly recognizes November 4, 2003, as "Take Your Kids to Vote Day" in Chesterfield County, and encourages all Chesterfield County parents to help their children develop positive citizenship skills by taking them to the polls on November 4th to observe the voting process.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

Mr. McHale presented the executed resolution to Ms. Flowers, accompanied by Mr. Haake, and stated that having parents model good citizenship behavior is a step in the right direction to reducing low voter turnout.

Ms. Flowers expressed appreciation to the Board for adopting the resolution and stressed the importance of parents teaching their children to vote.

Mr. Haake stated he feels citizens should be encouraged to vote rather than just register to vote.

8.C. CONSENT ITEMS

Mr. Warren inquired whether the items on the Consent Agenda relative to the setting a public hearing date to consider changes to the erosion and sediment control ordinance, awarding a contract for permitting services for the regional BMP Master Plan for Swift Creek Reservoir Watershed, and approving the creation of two new drainage/construction inspector positions in Environmental Engineering will address concerns raised by Mr. Tom Pakurar, representing Hands Across the Lake.

Mr. Stith indicated that the items would address Mr. Pakurar's concerns. He stated staff plans to meet with Mr. David Root with the Homebuilders Association regarding the Board's efforts to address Mr. Pakurar's concerns.

On motion of Mr. Miller, seconded by Mr. McHale, the Board removed Item 8.C.1.b., Resolution Amending the Moral Obligation Agreement Between Chesterfield, Henrico, Richmond and the Richmond Metropolitan Authority to Renovate and Upgrade The Diamond, from the Consent Agenda to allow for public comment.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.1. ADOPTION OF RESOLUTIONS

8.C.1.a. RECOGNIZING CLARENCE E. BOND, PARKS AND RECREATION DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. McHale, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, Mr. Clarence E. Bond retired on August 29, 2003, from the Chesterfield County Department of Parks and Recreation; and

WHEREAS, Mr. Bond began his public service with Chesterfield County in 1977 in the Parks and Recreation Department as a parks groundskeeper and continued to faithfully work in that capacity until his lateral transfer to the parks division school grounds maintenance crew in 1996 as a maintenance worker; and

WHEREAS, Mr. Bond has provided excellent customer service, integrity and leadership in the maintenance of Chesterfield County park and school facilities; and

WHEREAS, Mr. Bond has been an invaluable asset and mainstay for the Parks and Recreation Department for the past 26 years; and

WHEREAS, Mr. Bond has been responsible and instrumental for providing some of the best maintained park and school facilities in the county by which all other facilities are measured; and

WHEREAS, Mr. Bond has always remained upbeat, productive and proactive in his maintenance responsibilities; and

WHEREAS, Mr. Bond will be greatly missed by his co-workers, supervisors and the citizens of Chesterfield County whom he has served.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mr. Clarence E. Bond, expresses the appreciation of all residents for his 26 years of service to Chesterfield County, and extends appreciation for his dedicated service to the county and congratulations upon his retirement, as well as best wishes for a long and happy retirement.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.1.c. RECOGNIZING MR. JERRY L. FIELDS, SHERIFF'S OFFICE, UPON HIS RETIREMENT

On motion of Mr. McHale, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, Mr. Jerry L. Fields began serving the citizens of Chesterfield County as a Sheriff's Deputy assigned to the County Jail on April 1, 1985; and

WHEREAS, Deputy Fields was promoted to the rank of Corporal on the 13th day of July 1987, and in this role provided leadership and guidance to junior members of his shift; and

WHEREAS, as Corporal Fields continued to lead by example he was promoted to the position of Sergeant on August 6, 1988, and continued to promote teamwork and enhance the operational effectiveness of the Correctional Services Division; and

WHEREAS, in July 1994, Sergeant Fields was transferred to the Courts Services Division as Transportation/Lock-Up Supervisor; and

WHEREAS, in recognition of Sergeant Fields' leadership abilities, he was promoted again on August 17, 2002, to the position of Lieutenant, commanding the midnight shift at the Chesterfield County Jail; and

WHEREAS, Lieutenant Fields has demonstrated a desire to honor the Sheriff's Office by voluntarily being a member of the Color Guard, participating in parades and other public events and promoting a positive public image of the Department; and

WHEREAS, Lieutenant Fields has received numerous accolades from his co-workers, supervisors, and members of the public, and his professional display of customer service standards during sequestered juries, tours of the courts and jail facilities, fingerprinting clinics, and other public

events has elicited letters of appreciation from several individuals and organizations; and

WHEREAS, Lieutenant Fields has remained committed to providing a safe and secure environment in which to live, work, and raise a family through dedicated service to the citizens of Chesterfield County, Virginia.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of September 2003, recognizes the outstanding contributions of Mr. Jerry L. Fields, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.1.d. RECOGNIZING THE ETTRICK FIRE STATION FOR SEVENTY-FIVE YEARS OF SERVICE TO CHESTERFIELD COUNTY

On motion of Mr. McHale, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, in 1928, the Ettrick Fire Station was the first fire department organized in Chesterfield County, operating under the authority of the Ettrick Sanitary District; and

WHEREAS, the first equipment available for firefighting were two hose reels which were hand drawn or pulled by automobile and operated by hydrant pressure only; and

WHEREAS, the first officers of the organization were Chief Curtis Williams, Assistant Chief Earl Nugent, President R. L. Eanes, Vice-President L. V. Pond, Secretary W. D. Varnier, and Treasurer Bolling Collier; and

WHEREAS, in 1935, the first engine was placed in service and housed in a nearby two-car garage, and the first Ladies Auxiliary led by Mrs. L. E. Hargrave and the Junior Firefighter program were also formed; and

WHEREAS, in 1938, a tract of land was purchased by the Ladies Auxiliary with funds raised from house-to-house canvassing and other activities, to erect a municipal building that doubled as a fire station; and

WHEREAS, in 1939, the first siren was erected at the station with an additional siren push-button and telephone in the home of Fire Chief G. C. Pond, Sr.; and

WHEREAS, in 1961, an aerial ladder was donated by Virginia State College and placed in service, to protect the community as well as the college itself; and

WHEREAS, the Ettrick Fire Station was staffed with dedicated volunteers until 1975 when the county hired salaried firefighters to supplement the declining membership and to ensure adequate coverage to emergencies; and

WHEREAS, the Ettrick Fire Station underwent major renovations in 1984, including the addition of a second floor over the apparatus bays, and remains a major focal point for the Ettrick Community today.

NOW, THEREFORE IT BE RESOLVED, that the Chesterfield County Board of Supervisors recognizes the 75th Anniversary of the Ettrick Fire Station and expresses the appreciation of all residents to all volunteers and career firefighters for their service to the county.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.2. ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS

8.C.2.a. FOR FY2004 STATE DRUG COURT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES

On motion of Mr. McHale, seconded by Mr. Miller, the Board authorized the acceptance and appropriation of Adult Drug Court Program grant funds, in the amount of \$173,992 (\$130,492 in federal funds and \$43,500 in state funds) from the Virginia Department of Criminal Justice Services for the period July 1, 2003 through June 30, 2004.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.2.b. FOR THE FY2004 LOCAL LAW ENFORCEMENT BLOCK GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE

On motion of Mr. McHale, seconded by Mr. Miller, the Board authorized the Police Department to accept and appropriate U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant funds, in the amount of \$78,822; and transferred \$8,758 in reserve funds (local match) for the purchase of equipment for community policing and crime prevention.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.3. SET DATES FOR PUBLIC HEARINGS

8.C.3.a. TO CONSIDER AN ORDINANCE AMENDMENT RELATING TO PROPERTY USED FOR AQUACULTURE IN THE SPECIAL LAND USE TAXATION PROGRAM

On motion of Mr. McHale, seconded by Mr. Miller, the Board set the date of October 8, 2003 at 7:00 p.m. for a public hearing to consider an ordinance amendment relating to property used for aquaculture in order to qualify for the Special Land Use Taxation Program.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.3.b. TO CONSIDER AMENDING CHAPTER 10 FIRE PROTECTION OF THE COUNTY CODE

On motion of Mr. McHale, seconded by Mr. Miller, the Board set the date of October 8, 2003 at 7:00 p.m. for a public hearing to consider amending Chapter 10 Fire Protection of the County Code.

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

8.C.3.c. TO CONSIDER AN AMENDMENT TO THE EROSION AND SEDIMENT CONTROL ORDINANCE

On motion of Mr. McHale, seconded by Mr. Miller, the Board set the date of October 8, 2003 at 7:00 p.m. for a public hearing to consider an amendment to the Erosion and Sediment Control Ordinance.

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

8.C.4. STATE ROAD ACCEPTANCE

On motion of Mr. McHale, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Cobbs Point, Section 1

● **Cobbs Point Drive, State Route Number: 5522**

From: Enon Church Rd., (Rt. 746)

To: Cobbs Point Wy., (Rt. 5523), a distance of: 0.13 miles.

Right-of-way record was filed on 1/9/2001 with the Office Of Clerk To Circuit Court in Pb. 115; Pg. 27, with a width of 50 ft.

● **Cobbs Point Drive, State Route Number: 5522**

From: Cobbs Point Wy., (Rt. 5523)

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 1/9/2001 with the Office Of Clerk To Circuit Court in Pb. 115; Pg. 27, with a width of 50 ft.

● **Cobbs Point Way, State Route Number: 5523**

From: Cobbs Point Dr., (Rt. 5522)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 1/9/2001 with the Office Of Clerk To Circuit Court in Pb. 115; Pg. 27, with a width of 50 ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Montclair, Sec. 1, Phase 1**

● **Bermuda Orchard Lane, State Route Number: 828**

From: Martineau Dr., (Rt. 4877)

To: Greyshire Dr., (Rt. 5571), a distance of: 0.22 miles.

Right-of-way record was filed on 12/15/1994 with the Office Of Clerk To Circuit Court in Db. 2633; Pg. 946, with a width of 95 Ft.

● **Bermuda Orchard Lane, State Route Number: 828**

From: Greyshire Dr., (Rt. 5571)

To: Greymont Ln., (Rt. 5572), a distance of: 0.18 miles.

Right-of-way record was filed on 12/15/1994 with the Office Of Clerk To Circuit Court in Db. 2633; Pg. 946, with a width of 95 Ft.

● **Bermuda Orchard Lane, State Route Number: 828**

From: Greymont Ln., (Rt. 5572)

To: 0.02 Mi. S of Greymont Ln., (Rt. 5572), a distance of: 0.02 miles.

Right-of-way record was filed on 12/15/1994 with the Office Of Clerk To Circuit Court in Db. 2633; Pg. 946, with a width of 95 Ft.

● **Greymont Lane, State Route Number: 5572**

From: Bermuda Orchard Ln., (Rt. 828)

To: Greyshire Dr., (Rt. 5571), a distance of: 0.20 miles.

Right-of-way record was filed on 11/30/2000 with the Office Of Clerk To Circuit Court in Pb. 114; Pg. 56, with a width of 50 Ft.

● **Greyshire Drive, State Route Number: 5571**

From: Bermuda Orchard Ln., (Rt. 828)

To: Greymont Ln., (Rt. 5572), a distance of: 0.22 miles.

Right-of-way record was filed on 11/30/2000 with the Office Of Clerk To Circuit Court in Pb. 114; Pg. 56, with a width of 50 Ft.

● **Greyshire Drive, State Route Number: 5571**

From: Greymont Ln., (Rt. 5572)

To: 0.18 Mi. E of Greymont Ln., (Rt. 5572), a distance of: 0.18 miles.

Right-of-way record was filed on 11/30/2000 with the Office Of Clerk To Circuit Court in Pb. 114; Pg. 56, with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Southcreek, Sec. 6**

● **Grand Forest Terrace, State Route Number: 5567**

From: Pleasant Creek Dr., (Rt. 5566)

To: Cul-de-sac, a distance of: 0.25 miles.

Right-of-way record was filed on 4/4/2001 with the Office Of Clerk To Circuit Court in Pb.116; Pg. 36, with a width of 50 Ft.

● **Pleasant Creek Drive, State Route Number: 5566**

From: Walthall Creek Dr., (Rt. 4067)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 4/4/2001 with the Office Of Clerk To Circuit Court in Pb.116; Pg. 36, with a width of 50 Ft.

● **Pleasant Creek Drive, State Route Number: 5566**

From: Walthall Creek Dr., (Rt. 4067)

To: Grand Forest Tr., (Rt. 5567), a distance of: 0.09 miles.

Right-of-way record was filed on 4/4/2001 with the Office Of Clerk To Circuit Court in Pb.116; Pg. 36, with a width of 50 Ft.

● **Pleasant Creek Drive, State Route Number: 5566**

From: Grand Forest Tr., (Rt. 5567)

To: 0.03 Mi. S of Grand Forest Tr., (Rt. 5567), a distance of: 0.03 miles.

Right-of-way record was filed on 4/4/2001 with the Office Of Clerk To Circuit Court in Pb.116; Pg. 36, with a width of 50 Ft.

● **Walthall Creek Drive, State Route Number: 4067**

From: 0.03 Mi. S of Majestic Creek Dr., (Rt. 4516)

To: Pleasant Creek Dr., (Rt. 5566), a distance of: 0.04 miles.

Right-of-way record was filed on 4/4/2001 with the Office Of Clerk To Circuit Court in Pb.116; Pg. 36, with a width of 60 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Whitestone, Section 4**

● **Scottingham Drive, State Route Number: 2728**

From: Wadsworth Dr., (Rt. 2687)

To: Trickling Creek Rd., (Rt. 5582), a distance of: 0.06 miles.

Right-of-way record was filed on 2/28/2001 with the Office Of Clerk To Circuit Court in Pb. 115; Pg. 86,
with a width of 40 Ft.

● **Trickling Creek Road, State Route Number: 5582**

From: Scottingham Dr., (Rt. 2728)

To: Cul-de-sac, a distance of: 0.12 miles.

Right-of-way record was filed on 2/28/2001 with the Office Of Clerk To Circuit Court in Pb. 115; Pg. 86,
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Carters Mill, Sec. 6**

- **Carters Creek Drive, State Route Number: 6003**

From: 0.05 Mi. S of Carters Valley Rd., (Rt. 6009)

To: Cul-de-sac, a distance of: 0.14 miles.

Right-of-way record was filed on 9/28/1999 with the Office Of Clerk To Circuit Court in Pb.107; Pg. 23,
with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Glen Ridge, Section 1**

- **Glen Ridge Court, State Route Number: 5577**

From: Village Square Py., (Rt. 3867)

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 5/19/2000 with the Office Of Clerk To Circuit Court in Pb. 110; Pg. 96,

with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Bon Air Villas, Section 1**

● **Waters Mill Drive, State Route Number: 830**

From: 0.04 Mi. N of Old Bon Air/Rockaway Rd., (Rt. 718)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 6/17/1999 with the Office Of Clerk To Circuit Court in Pb 105; Pg. 40,

with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Willesden @ Stonehenge, Section 2**

● **Farnham Circle, State Route Number: 5574**

From: Farnham Dr., (Rt. 2561)

To: Farnham Dr., (Rt. 2561), a distance of: 0.12 miles.

Right-of-way record was filed on 10/1/2001 with the Office Of Clerk To Circuit Court in Pb 120 ; Pg. 77,

with a width of 37 Ft.

● **Farnham Court, State Route Number: 5573**

From: Farnham Dr., (Rt. 2561)

To: Farnham Dr., (Rt. 2561), a distance of: 0.05 miles.

Right-of-way record was filed on 9/10/2003 with the Office Of Clerk To Circuit Court in Pb 120 ; Pg. 77,

with a width of 37 Ft.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.5. AWARD OF CONSTRUCTION CONTRACTS

8.C.5.a. FOR THE COURTHOUSE ROAD FIRE STATION NUMBER 20 TO VIKING ENTERPRISE, INCORPORATED

On motion of Mr. McHale, seconded by Mr. Miller, the Board authorized the County Administrator to execute a contract with Viking Enterprise, Incorporated, in the amount of \$2,430,000, for the construction of Courthouse Road Fire Station Number 20.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.5.b. FOR THE MIDLOTHIAN TURNPIKE WATERLINE, PHASE 2 PROJECT TO CASPER COLOSIMO AND SON

On motion of Mr. McHale, seconded by Mr. Miller, the Board awarded a construction contract, in the amount of \$2,313,004, to Casper Colosimo and Son, for County Project #01-0202, Midlothian Turnpike Waterline, Phase 2, and authorized the County Administrator to execute the necessary documents. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.5.c. FOR THE ENON PUMPING STATION AND STORAGE TANK FACILITY TO MID EASTERN BUILDERS, INCORPORATED

On motion of Mr. McHale, seconded by Mr. Miller, the Board awarded a construction contract, in the amount of \$3,283,000, to Mid Eastern Builders, Incorporated, for County Project #97-0128E, Enon Pumping Station and Storage Tank Facility; appropriated \$400,000 from the water fund balance for the project; and authorized the County Administrator to execute the necessary documents.

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

8.C.7. ACCEPTANCE OF PARCELS OF LAND

8.C.7.a. FOR MIDLOTHIAN WOOD BOULEVARD FROM TASCON-MIDLOTHIAN WOODS, LLC

On motion of Mr. McHale, seconded by Mr. Miller, the Board accepted the conveyance of a parcel of land containing 1.4811 acres for Midlothian Wood Boulevard from Tascon-Midlothian Woods, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

8.C.7.b. FOR MANDERS DRIVE FROM BB HUNT, L.L.C.

On motion of Mr. McHale, seconded by Mr. Miller, the Board accepted the conveyance of a parcel of land containing 3.219 acres for Manders Drive from BB Hunt, L.L.C., and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

8.C.7.c. ADJACENT TO THE EAST RIGHT OF WAY LINE OF CHARTER COLONY PARKWAY FROM BRISTOL PARK AT CHARTER COLONY L.L.C.

On motion of Mr. McHale, seconded by Mr. Miller, the Board accepted the conveyance of a parcel of land containing 0.015 acres adjacent to the east right of way line of Charter Colony Parkway (State Route 950) from Bristol Park at Charter Colony L.L.C., and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

**8.C.7.d. ALONG THE NORTH RIGHT OF WAY LINE OF HULL STREET
ROAD FROM GOODE LAND HULL STREET, L.L.C.**

On motion of Mr. McHale, seconded by Mr. Miller, the Board accepted the conveyance of parcels of land containing a total of 0.2906 acres along the north right of way line of Hull Street Road (U.S. Route 360) from Goode Land Hull Street, L.L.C., and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

**8.C.7.e. ALONG THE NORTH RIGHT OF WAY LINE OF HULL STREET
ROAD FROM HULL STREET SELF STORAGE, LLC**

On motion of Mr. McHale, seconded by Mr. Miller, the Board accepted the conveyance of a parcel of land containing 0.0360 acres along the north right of way line of Hull Street Road (U.S. Route 360) from Hull Street Self Storage, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

**8.C.7.f. ADJACENT TO THE WEST RIGHT OF WAY LINE OF
IRONBRIDGE ROAD FROM SHOOSMITH BROTHERS,
INCORPORATED**

On motion of Mr. McHale, seconded by Mr. Miller, the Board accepted the conveyance of a parcel of land containing 0.020 acres adjacent to the west right of way line of Ironbridge Road (State Route 10) from Shoosmith Brothers, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

**8.C.7.g. FOR THE EXTENSION OF WATERFORD LAKE DRIVE FROM
IDLEWOOD PROPERTIES, INCORPORATED**

On motion of Mr. McHale, seconded by Mr. Miller, the Board accepted the conveyance of two parcels of land containing 3.746 acres for the extension of Waterford Lake Drive from Idlewood Properties, Incorporated, and authorized the County Administrator to execute the need. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.

Absent: Barber.

**8.C.8. REQUEST FOR PERMISSION FROM JANICE L. DALE FOR A
PROPOSED SCREENED PORCH TO ENCROACH WITHIN A TEN-FOOT
EASEMENT ACROSS LOT 43, COBB'S POINT SUBDIVISION**

On motion of Mr. McHale, seconded by Mr. Miller, the Board approved a request from Janice L. Dale for a proposed screen porch to encroach within a ten-foot easement across Lot 43, Cobb's Point Subdivision, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

**8.C.9. APPROVAL OF CHANGES IN SECONDARY SYSTEM OF STATE
HIGHWAYS; I-95/WALTHALL INTERCHANGE**

On motion of Mr. McHale, seconded by Mr. Miller, the Board adopted the following resolution for changes in the Secondary System of State Highways as a result of the reconstruction of the I-95/Walthall Interchange:

WHEREAS, the Virginia Department of Transportation has provided the Board of Supervisors with a sketch dated April 16, 2002, depicting the abandonments, additions and renumbering required in the secondary system of state highways as a result of Project 7095-020-F08, C-501 which sketch is hereby incorporated herein by reference; and,

WHEREAS, new roads serve the same citizens as those portions of old roads identified to be abandoned and those segments no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby abandon as a part of the secondary system of state highways those portions of roads identified by the sketch to be abandoned, pursuant to Section 33.1-155, Code of Virginia, 1950, as amended; and,

BE IT FURTHER RESOLVED, the Board of Supervisors requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of roads identified by the sketch to be added, pursuant to Section 33.1-229, Code of Virginia, 1950, as amended; and,

BE IT FURTHER RESOLVED, the Board of Supervisors requests the Virginia Department of Transportation to renumber those portions of roads identified by the sketch to be renumbered; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby request that the Commonwealth Transportation Commissioner certify, in writing, that the portions of roads hereby abandoned are no longer deemed necessary for uses of

the secondary system of state highways pursuant to Section 33.1-154 of the Code of Virginia, 1950, as amended.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.11. AUTHORIZATION TO EXERCISE EMINENT DOMAIN FOR THE ACQUISITION OF EASEMENTS FOR THE MIDLOTHIAN TURNPIKE WATERLINE PHASE 2

8.C.11.a. FOR REALTY INCOME CORPORATION PROPERTY

On motion of Mr. McHale, seconded by Mr. Miller, the Board authorized the County Attorney to proceed with eminent domain and exercise immediate right of entry pursuant to Sections 15.2-1904 and 1905 of the Code of Virginia for the acquisition of easements for the Midlothian Turnpike Waterline Phase 2 on property owned by Realty Income Corporation, and instructed the County Administrator to notify the owner by certified mail on September 19, 2003, of the county's intention to take possession of the easements. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.11.b. FOR W. HAROLD TALLEY I, L.L.C. PROPERTY

On motion of Mr. McHale, seconded by Mr. Miller, the Board authorized the County Attorney to proceed with eminent domain and exercise immediate right of entry pursuant to Sections 15.2-1904 and 1905 of the Code of Virginia for the acquisition of easements for the Midlothian Turnpike Waterline Phase 2 on property owned by W. Harold Talley I, L.L.C., and instructed the County Administrator to notify the owner by certified mail on September 19, 2003, of the county's intention to take possession of the easements. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

8.C.13. REQUEST TO QUITCLAIM

8.C.13.a. A PORTION OF A VARIABLE WIDTH VIRGINIA DEPARTMENT OF TRANSPORTATION SLOPE AND DRAINAGE EASEMENT ACROSS THE PROPERTY OF TOMAC CORPORATION

On motion of Mr. McHale, seconded by Mr. Miller, the Board authorized the Chairman of the Board of Supervisors and County Administrator to execute a quitclaim deed to vacate a portion of a variable width Virginia Department of Transportation slope and drainage easement across the property of Tomac Corporation. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

**8.C.13.b. PORTIONS OF A SIXTEEN-FOOT WATER EASEMENT ACROSS
THE PROPERTY OF BRECKENRIDGE ASSOCIATES LLC**

On motion of Mr. McHale, seconded by Mr. Miller, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate portions of a sixteen-foot water easement across the property of Breckenridge Associates LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

**8.C.14. APPROVAL OF SUPPLEMENTAL AGREEMENT NUMBER 4 TO THE
CONTRACT WITH MOSELEY ARCHITECTS FOR THE DESIGN OF
THE REPLACEMENT JAIL**

On motion of Mr. McHale, seconded by Mr. Miller, the Board authorized the County Administrator to execute supplemental agreement number 4 to the design contract with Moseley Architects in the amount of \$340,303 for the construction administration phase of the Replacement Jail project.

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

8.C.15. AMENDMENT TO THE BOARD MINUTES OF JULY 23, 2003

On motion of Mr. McHale, seconded by Mr. Miller, the Board amended the minutes of July 23, 2003 as follows:

FROM:

"On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, Firefighter Malcolm T. "Mack" Womack will retire from the Chesterfield Fire and Emergency Medical Services Department, Chesterfield County, on August 1, 2003; and

WHEREAS, Firefighter Womack served at the Bon Air Fire Station as a day-time Firefighter from August 1978 until starting Recruit School #9 in November 1978, and has faithfully served the county for twenty-five years in various assignments as a Firefighter at the Airport, Bon Air, Chester, Dale, Ettrick, and Manchester Fire and EMS Stations; and

WHEREAS, Firefighter Womack ran the first call for service handled by the Airport Station and performed admirably at a very stressful incident, which involved a vehicle accident with entrapment involving a firefighter-staffed ambulance; and

WHEREAS, Firefighter Womack was one of the original members of the Chesterfield Fire and Emergency Medical Services Department's Hazardous Materials Team, first serving as the secretary and then as the "C" Shift Team Leader, where

he was a valued and respected member until his retirement;
and

WHEREAS, Firefighter Womack finished his career at the Eanes-Pittman Public Safety Training Center, serving as a Terrorism Preparedness Coordinator.

NOW, THEREFORE IT BE RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Firefighter Malcolm T. Womack, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None."

TO:

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

"WHEREAS, Firefighter Malcolm T. "Mac" Womack will retire from the Chesterfield Fire and Emergency Medical Services Department, Chesterfield County, on August 1, 2003;
and

WHEREAS, Firefighter Womack served at the Bon Air Fire Station as a day-time Firefighter from August 1978 until starting Recruit School #9 in November 1978, and has faithfully served the county for twenty-five years in various assignments as a Firefighter at the Ettrick Fire Station from February 1979 to August 1982; Manchester until January 1985; Chester until January 1990; Dale until February 1993; Bon Air until May 1995; and Airport until February 2003; and

WHEREAS, Firefighter Womack ran the first call for service handled by the Airport Station on January 8, 1990;
and

WHEREAS, Firefighter Womack was one of the original members of the Chesterfield Fire and Emergency Medical Services Department's Hazardous Materials Team, first serving as the secretary and then as the "C" Shift Team Leader, where he was a valued and respected member until his retirement;
and

WHEREAS, Firefighter Womack finished his career at the Eanes-Pittman Public Safety Training Center, serving as a Terrorism Preparedness Coordinator.

NOW, THEREFORE IT BE RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Firefighter Malcolm T. Womack, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber."

**8.C.16. AWARD OF CONTRACT FOR PERMITTING SERVICES FOR
REGIONAL BMP MASTER PLAN FOR THE SWIFT CREEK
RESERVOIR WATERSHED**

On motion of Mr. McHale, seconded by Mr. Miller, the Board awarded a contract to CH2M Hill to develop a detailed Corps of Engineers and Department of Environmental Quality joint permit application and perform related services for the Regional BMP Master Plan for the Swift Creek Reservoir watershed; appropriated \$294,269 from the Contractor BMP Pro Rata Fee revenue to cover the cost of the project; and authorized the County Administrator to execute the contract.

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

**8.C.17. CREATION OF TWO NEW DRAINAGE/CONSTRUCTION INSPECTOR
POSITIONS IN THE ENVIRONMENTAL ENGINEERING
DEPARTMENT**

On motion of Mr. McHale, seconded by Mr. Miller, the Board approved the creation of two new drainage/construction inspection positions in the Environmental Engineering Department.

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

The following item was removed from the Consent Agenda for public discussion:

**8.C.12. AUTHORIZATION FOR T-MOBILE TO APPLY FOR CONDITIONAL
USE FOR CONSTRUCTION OF A COMMUNICATIONS TOWER AT
ETTRICK PARK**

Mrs. Humphrey stated she wants to defer action on this item until a community meeting can be held with officials from Virginia State University and adjacent residents.

On motion of Mrs. Humphrey, the Board deferred consideration of authorizing T-Mobile to apply for conditional use for a communications tower to be constructed at Ettrick Park until October 22, 2003.

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

The following item was removed from the Consent Agenda for public comment:

**8.C.1.b. AMENDING THE MORAL OBLIGATION AGREEMENT BETWEEN
CHESTERFIELD, HENRICO, RICHMOND AND THE RICHMOND
METROPOLITAN AUTHORITY TO RENOVATE AND UPGRADE THE
DIAMOND**

Reverend Charles Hudson expressed concerns relative to the cost of the proposed renovations. He stated the playing field renovations will cost between \$7 and \$12 million, and no space for additional fans will be added, thus no

additional revenue. He expressed concerns that the facility is currently less than half filled for most of the games. He also expressed concerns that the Braves receive all revenues from concession and souvenir stands and stated he feels they should be responsible for renovations to these areas. He stated if the agreement is approved, Chesterfield County will subsidize The Diamond \$7,000 per game played over the next 20 years, and he feels the funds could be better used to address shortfalls in education and other areas.

Mr. Joe Cacciotti stated he does not feel the Board should provide any funds to the Richmond Metropolitan Authority (RMA). He expressed concerns that Chesterfield and Henrico each have only two voting members on the 11-member RMA Board of Directors. He expressed further concerns that the City of Richmond benefits from the admission tax, meals tax and city tax on vendor sales collected at The Diamond although all three jurisdictions provide the same amount of funding for the facility. He suggested that the Board require that collection of taxes at both The Diamond and the Convention Center be used for repayment of bonds since they are both regional ventures. He also suggested that the Braves be required to sign a 20-year contract.

Mr. George Beadles stated he feels it is reasonable for the Board to continue to provide funding for The Diamond facility, indicating that it was a collaborative effort when it was built and the county should not be the first jurisdiction to pull out.

No one else came forward to speak to the issue.

Mr. Warren closed the public comment.

Mr. Mike Berry, General Manager of Richmond Metropolitan Authority, came forward to answer questions from Board members.

Mr. Berry stated that both the City of Richmond and Henrico County have approved the Amended Moral Obligation Agreement, and the Atlanta Braves have given him the authority to indicate that they intend to execute a ten-year contract for the Richmond Braves.

Mr. Warren stated he will support the proposal.

Mrs. Humphrey inquired whether Atlanta has discussed a 20-year contract.

Mr. Berry stated it has been discussed, but at this point there is an understanding that a ten-year contract will continue with two additional five-year options for renewal.

Mr. Miller expressed concerns relative to the cost of the proposed renovations and inquired about distribution of the revenues received at The Diamond.

Mr. Berry provided an overview of the proposed improvements that have been requested by the Braves. He stated focus groups consisting of skybox owners, fans, handicapped fans, the Braves and others have determined priorities for the improvements. He further stated the admission tax paid to the city is returned to the RMA to equally reduce the funding

requested from each jurisdiction. He stated concession and ticket sales and billboard payments are a source of revenue for the Braves. He further stated the RMA receives parking and skybox revenue, as well as rental revenue from The Braves, indicating that for the past ten years, revenues from those sources have paid for the operating cost of the facility. He stated the city receives all sales tax revenue, and Chesterfield County does not realize any income from the operation of The Diamond, other than monies reducing the county's cost to support the facility.

When asked, Mr. Berry stated a portion of the original construction costs for The Diamond was partially financed with a note paid for and supported by Skybox revenue. He further stated attendance over the past few years has averaged approximately 6,000 per game, and the present seating capacity is 12,000. He stated informal attendance surveys indicated Chesterfield residents represented approximately 15 percent of the fans at the facility.

Mr. Warren stated he will support funding for improvements to the existing facility, rather than a new facility.

Mr. Warren made a motion, seconded by Mr. McHale, for the Board to authorize the County Administrator to execute the amended moral obligation agreement between Chesterfield, Henrico, Richmond and the Richmond Metropolitan Authority in conjunction with financing of the renovation project for the existing Diamond.

Mr. Miller expressed concerns that Chesterfield, Henrico and Richmond are the only jurisdictions funding regional projects that benefit a far greater region, and stated he will not support the proposal. He stated the Board has an obligation to the taxpayers to be exemplary stewards of the public trust, and expressed concerns that the Board has had to institute revenue recovery and cannot reduce the tax rate, but can provide a \$500,000 annual investment to the region.

Mrs. Humphrey stated the Braves contract depends upon all three localities making a favorable decision, and her constituents have indicated their desire for the Braves to remain in Richmond. She further stated Richmond should have prepared a proposal for a new regional facility some time ago, but at this time the only proposal for keeping the Braves is renovating The Diamond. She stated, because there are only four members of the Board present and two have indicated they will support the proposal and one will not, the best thing she can do is abstain from voting to keep the Braves in Richmond. She stated the proposal represents a poor business deal and implored the RMA to get a handle on its debt.

Mr. McHale stated no localities are committed to the agreement unless the Braves sign a contract, and the project has been factored into the current and future budgets associated with the Capital Improvement Program. He further stated The Diamond is a regional amenity. He further stated previous tax rate reductions have been based upon revenue growth, and he does not feel that funding The Diamond project would diminish the Board's ability to reduce the tax rate. He stated that proceeding with renovations at The Diamond should close discussion of a new stadium in Richmond.

Mr. Warren stated The Diamond is a facility for the children of the region. He further stated the county supports Maymont, indicating that a majority of the children who attend Maymont are from Chesterfield County.

Mr. Warren then called for a vote on his motion, seconded by Mr. McHale, for the Board to authorize the County Administrator to execute the amended moral obligation agreement between Chesterfield, Henrico, Richmond and the Richmond Metropolitan Authority in conjunction with financing of the renovation project for the existing Diamond. (It is noted a copy of the amendment to the moral obligation agreement is filed with the papers of this Board.)

Ayes: Warren and McHale.

Nays: Miller.

Abstain: Humphrey.

Absent: Barber.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

O MS. REBECCA KING WILL ADDRESS THE BOARD OF SUPERVISORS REGARDING THE IMPACT OF POPULATION GROWTH ON PUBLIC SCHOOL CAPACITY IN THE COUNTY

Ms. Rebecca King, representing Homeowners for Quality Schools, provided details of efforts of the organization to address growth in county schools, including a survey of area residents. She stated the residents feel the quality of schools have a strong impact on the quality of home values. She further stated she feels the residents would support paying increased taxes for additional schools. She stated only a small percentage of the residents feel the county has adequate plans for growth in public school capacity. She expressed concerns relative to the number of additional school children that will come with the 10,000 new homes in the areas projected for the areas with highest growth, and stated the residents feel the current Capital Improvement Program is inadequate at the elementary and middle school levels and that two additional elementary schools and one additional middle school will be needed in the high growth areas. She stated the organization would like to see an additional elementary school in the Midlothian/288 area; an elementary school in the Swift Creek area; and a middle school be placed in the center of the two communities so that redistricting would allow overflow from both regions to go to a central location.

Mr. Miller excused himself from the meeting.

Mr. Warren requested that Mr. Ramsey work with Planning, Budget and School staff to provide recommendations to the Board relative to the changes Ms. King requested to the Capital Improvement Program.

10. REPORTS

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board accepted the following reports:

A report on Developer Water and Sewer Contracts; and a status report on the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: Warren, Humphrey and McHale.

Nays: None.

Absent: Barber and Miller.

11. DINNER

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Warren, Humphrey and McHale.

Nays: None.

Absent: Barber and Miller.

Reconvening:

Mr. Miller returned to the meeting.

Mr. Barber arrived at the meeting.

12. INVOCATION

Reverend David Bonney, Pastor of New Life United Methodist Church, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Eagle Scout Adam Patrick Warf led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. RECOGNIZING OCTOBER 5-11, 2003, AS "LEGAL ASSISTANTS' WEEK" IN CHESTERFIELD COUNTY

Ms. Ruth introduced Ms. Virginia Butler, CLA, First Vice President of the Richmond Association of Legal Assistants, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, legal assistants and paralegals provide skilled and essential professional services to licensed attorneys throughout Virginia; and

WHEREAS, legal assistants and paralegals receive formal education and training and gain valuable experience working under the supervision of licensed attorneys; and

WHEREAS, the Virginia Alliance of Legal Assistant Associations (VALAA) issues educational standards and

professional guidelines to ensure that legal assistants are competent and knowledgeable about their field; and

WHEREAS, the research and administrative work performed by legal assistants and paralegals are essential to attorneys' ability to provide their clients with quality legal services and representation; and

WHEREAS, the Virginia Alliance of Legal Assistant Associations consists of nine member organizations that sponsor educational programs, seminars and forums designed to bring legal assistants together to exchange ideas and methods used in their occupation; and

WHEREAS, the VALAA encourages legal assistants and paralegals to adhere to a high degree of ethical and professional conduct and proficiency by issuing a code of ethics for legal assistants and paralegals to practice.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of September 2003, publicly recognizes October 5-11, 2003 as "Legal Assistants' Week" in Chesterfield County.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Miller presented the executed resolution to Ms. Butler and expressed appreciation for the invaluable services provided by legal assistants.

Ms. Butler expressed appreciation to the Board for the recognition.

14.B. RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF EAGLE SCOUT

14.B.1. CHRISTOPHER CHASE DINGLE, BERMUDA DISTRICT

Mr. Hammer introduced Mr. Christopher Dingle who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Christopher Chase Dingle, Troop 865, sponsored by Sherbourne United Methodist Church, has accomplished those high standards of commitment and has

reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Christopher has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of September 2003, publicly recognizes Mr. Christopher Chase Dingle, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution and patch to Mr. Dingle, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Dingle expressed appreciation to the Board for the recognition and also to his parents, God, his church and others for their support.

14.B.2. TIMOTHY MATTHEW HICHAK, CLOVER HILL DISTRICT

Mr. Hammer introduced Mr. Timothy Hichak who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Timothy Matthew Hichak, Troop 890, sponsored by The Brandermill Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Timothy has distinguished himself as a member of a

new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of September 2003, publicly recognizes Mr. Timothy Matthew Hichak, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution and patch to Mr. Hichak, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Hichak expressed appreciation to his parents and members of his troop for their support.

14.B.3. ANDREW ELLIOTT TURNER, MIDLOTHIAN DISTRICT

Mr. Hammer introduced Mr. Andrew Turner who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Andrew Elliott Turner, Troop 869, sponsored by Salisbury Presbyterian Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Andrew has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of September 2003, publicly recognizes Mr. Andrew Elliott Turner, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Barber presented the executed resolution and patch to Mr. Turner, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Turner expressed appreciation to his parents, aunt, friends and members of his troop for their support.

14.B.4. ADAM PATRICK WARF, MIDLOTHIAN DISTRICT

Mr. Hammer introduced Mr. Adam Warf, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Adam Patrick Warf, Troop 869, sponsored by Salisbury Presbyterian Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Adam has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of September 2003, publicly recognizes Mr. Adam Patrick Warf, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Barber presented the executed resolution and patch to Mr. Warf, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Warf expressed appreciation to his parents and fellow scouts for their support.

**14.B.5. RECOGNIZING THE CENTRAL CHESTERFIELD LITTLE LEAGUE
SENIOR ALL-STAR TEAM FOR ITS OUTSTANDING
ACCOMPLISHMENTS DURING THE 2003 SEASON AND ITS
EXCELLENT REPRESENTATION OF CHESTERFIELD COUNTY**

Mr. Hammer introduced coaches and members of the Central Chesterfield Little League Senior All-Star Team who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, participation in youth athletics has long been an integral part of Chesterfield County's educational, physical and emotional development for students; and

WHEREAS, the 2003 Central Chesterfield Little League Senior All-Star Team managed by Jeff Byrd and coaches Woody Childs and William Childress participated and finished in first place in the District 5 Tournament, the Virginia State Tournament, and the Southern Regional Tournament; and

WHEREAS, by winning the Southern Regional Tournament, the team advanced to Bangor, Maine, where it finished runner-up in the Senior League World Series, defeating teams from Hawaii, Maine, Iowa and Russia; and

WHEREAS, under the guidance and direction of Mr. Byrd, Mr. Childs and Mr. Childress, the team had a win-loss tournament record of 18-3, and team members include Matt Brown, Bart Burgwyn, Ryan Byrd, Marcus Childress, Will Childs, Lance Firebaugh, Trevor Firebaugh, Nick Marshall, Shaun McEnhimer, Matt Reed, Mike Richardson and Andy Ullom.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of September 2003, publicly recognizes the 2003 Central Chesterfield Little League Senior All-Stars for its outstanding representation of Chesterfield County, commends the team for its commitment to excellence and sportsmanship and expresses best wishes for continued success.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren and Mr. McHale presented executed resolutions to the coaches and members of the Central Chesterfield Little League Senior All-Star Team, congratulated them on their outstanding achievement, and wished them future success.

Coach Byrd expressed appreciation to the Board for the recognition and to the parents for their support of the team.

14.B.6. RECOGNIZING MS. JENNIFER VALENZUELA, "MISS HISPANIC VIRGINIA," FOR HER SUPERIOR ACHIEVEMENTS

Ms. Ruth introduced Ms. Jennifer Valenzuela who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Ms. Jennifer Valenzuela is a resident of the Bermuda District; and

WHEREAS, Ms. Valenzuela is a native of Guatemala who is currently a senior at L.C. Bird High School; and

WHEREAS, Ms. Valenzuela has just been named as the first Miss Hispanic Virginia; and

WHEREAS, contestants were judged on scholastic achievement, community service, talent and presentation; and

WHEREAS, Ms. Valenzuela demonstrated her skills in drawing at the talent show; and

WHEREAS, in addition to her new crown, Ms. Valenzuela also won a \$10,000 scholarship from Virginia Commonwealth University; and

WHEREAS, Ms. Valenzuela plans to attend VCU and to obtain a degree in bio-medical engineering; and

WHEREAS, as Miss Hispanic Virginia, Ms. Valenzuela intends to promote the importance of education and also wants to work with the governor to try to address driver's license issues that she believes affect many immigrants in Virginia; and

WHEREAS, through her dedication to scholastic achievement, good citizenship and working toward admirable goals, Ms. Valenzuela has brought great pride to Chesterfield County; and

WHEREAS, Ms. Valenzuela's future successes in education and bio-medical engineering will continue to reflect positively on Chesterfield County and on Chesterfield County's schools; and

WHEREAS, all Chesterfield County residents are fortunate to have such a talented and positive representative of the Hispanic community as a member of our community-at-large.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of September 2003, publicly recognizes the superior achievements of Ms. Jennifer Valenzuela, congratulates her on being named as the first Miss Hispanic Virginia, and wishes her continued success in all her endeavors.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution to Ms. Valenzuela, accompanied by members of her family and a member of the Hispanic Parade and Festival Committee, congratulated her on her outstanding achievement, and wished her future success.

Ms. Valenzuela expressed appreciation to the Board for the recognition.

A member of the Hispanic Parade and Festival Committee invited residents to attend the event on September 27, 2003.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 17

03SN0247 (Amended)

In Dale Magisterial District, BRUCE COBLE requests rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 21.6 acres fronting approximately 1,275 feet on the west line of Lewis Road, approximately 1,320 feet south of Iron Bridge Road. Tax ID 773-648-Part of 0618 (Sheets 25 and 33).

Mr. Jacobson presented a summary of Case 03SN0247 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions. He noted the request conforms to the Central Area Land Use Plan.

Mr. Brennen Keene, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mr. McHale, the Board approved Case 03SN0247 and accepted the following proffered conditions:

The Owner and the Applicant (the "Applicant") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the 21.6 parcel (the "Property") that is a part of the property known as GPIN 773-648-0618 (Part of) under consideration will be developed according to the following conditions, if, and only if, the rezoning from A to I-2 is granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers and conditions shall immediately be null and void and of no further force or effect.

1. The Property shall only be accessed by use of existing driveway located on the parcel to the north (part of Tax ID #773-648-0618) of the Property. (T)
2. Prior to any site plan approval, forty-five (45) of right-of-way on the west side of Lewis Road, measured from the centerline of that part of Lewis Road immediately adjacent the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

3. Prior to the issuance of an occupancy permit, additional pavement shall be constructed along Lewis Road at the existing driveway that serves the adjacent parcel to the north (part of Tax ID #773-648-0618) to provide a right turn lane. The developer shall dedicate free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) necessary for this improvement. (T)
4. Except as otherwise provided, no more than 200,000 square feet of mini-warehouse space shall be developed on the Property. If either a use other than mini-warehouse or more than 200,000 square feet of mini-warehouse is to be developed on the Property, the density of that use shall be limited to a density that is anticipated to generate a traffic volume equivalent to the 200,000 square feet of mini-warehouse space, as determined by the Transportation Department. The Transportation Department may increase the density on the Property, provided the developer or others, as the case may be, reconstruct Lewis Road as a two (2) lane facility with twenty-two (22) foot wide travel lanes with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder on each side of the road from Route 10 to the approved access, construct additional pavement along Lewis Road at the approved access to provide a left turn lane, and construct additional pavement along Route 10 at the Lewis Road intersection to provide an eastbound right turn lane on Route 10. The developer or others, as the case may be, shall also be responsible to provide to Chesterfield County, any additional right-of-way (or easements) necessary for these improvements. Alternate road improvements, as requested by the developer and approved by the Transportation Department, which provides acceptable levels of service, as determined by the Transportation Department, may be substituted for the road improvements identified above. (T)
5. The public wastewater system shall be used. (U)
6. Views of any use developed on the Property shall be minimized from the residentially developed properties that currently exist on the north line of Lake Dale Drive (the "Lake Dale Properties"). At the time of site plan review, the Applicant shall submit a plan to the Planning Department showing how views of the proposed development are to be minimized from the Lake Dale Properties (the "View Minimization Plan"). The View Minimization Plan shall identify different methods of minimizing views, including, but not limited to, any or a combination of the following, as approved by the Planning Department: preservation of existing vegetation on the Property; the construction of a fence on the Property; and/or the installation of berms, and/or additional plantings on the Property. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0161

In Bermuda Magisterial District, MICHAEL T. BARR requests rezoning and amendment of zoning district map from Agricultural (A), Residential (R-15), Light Industrial (I-1) and General Business (C-5) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 1.01 to 4.0 units per acre and community commercial uses. This request lies on 85.5 acres fronting approximately 140 feet on the east line of Old Centralia Road at Centralia Road, also fronting in two (2) places for a total of approximately 2,050 feet on the west line of Route 288, approximately 300 feet south of Chester Road. Tax IDs 789-663-8217; 780-664-5240 and 7152; 789-665-Part of 0710; 790-663-Part of 6322; and 790-664-5317 (Sheet 26).

Mr. Jacobson presented a summary of Case 03SN0161 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Chester Village Plan.

Ms. Kristen Keatley, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mr. Warren, the Board approved Case 03SN0161 and accepted the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield at the time of building permit application for infrastructure improvements with in the service district for the property:
 - A. \$8,792.00 per dwelling unit, if paid prior to July 1, 2003; or
 - B. The amount approved by the Board of Supervisors not to exceed \$8,792.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. All dwelling units shall have a minimum gross floor area of 1800 square feet. (P)

5. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
6. Construction traffic for initial development on the subject property shall be prohibited on Tuscola Drive through the Mineola Heights Subdivision. (P)
7. No access shall be permitted to connect to Centralia or Old Centralia Roads. (T)
8. The maximum density of this development shall not exceed 130 lots. (P)
9. The developer shall be responsible for notifying by registered, certified or first class mail, the owners of record of properties adjoining the limits of properties included in Case 03SN0161 of the submission of any tentative subdivision plan. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to approval or disapproval of the plan. The developer shall provide the Planning Department with an affidavit that such notice has been sent. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0303

In Matoaca Magisterial District, SWIFT CREEK ASSOCIATES, L.P. requests an amendment to Conditional Use Planned Development (Case 87S134) and amendment of zoning district map relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in Community Business (C-3) and Corporate Office (O-2) Districts on 168.8 acres fronting approximately 2,200 feet on the south line of Hull Street Road, approximately 850 feet west of Commonwealth Centre Parkway. Tax IDs 732-674-3945; 732-675-1337 and 8246; 732-676-9406; 733-676-1943; 734-675-0754; 734-676-1227; and 735-675-1076 (Sheet 16).

Mr. Jacobson presented a summary of Case 03SN0303 and stated the Planning Commission and staff recommend approval and acceptance of one proffered condition.

Mr. John Easter, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved Case 03SN0303 and accepted the following proffered condition:

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

Freestanding Signs. Under the terms of this CUPD, there shall be no more than two (2) freestanding signs identifying residential and nonresidential tenants and projects, and such signs shall not exceed one hundred (100) square feet in size or twenty (20) feet in height. The aforesaid signs shall be in lieu of the mixed use identification sign and nonresidential community sign that would otherwise be permitted under the zoning ordinance, but shall not affect other signage permitted under the zoning ordinance.

(NOTE: All other conditions of Case 87S134, as amended by Cases 00SN0280 and 02SN0283, shall remain in effect.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

16. PUBLIC HEARINGS

16.A. TO CONSIDER AN ORDINANCE TO ESTABLISH THE "ENGLEWOOD SEWER ASSESSMENT DISTRICT" FOR 21-LOTS IN THE ENGLEWOOD SUBDIVISION

Mr. Barber stated it is his desire to defer the public hearing until October 22, 2003 to discuss possible changes to state assessment district laws.

Mr. Barber excused himself from the meeting to meet with residents of Englewood Subdivision.

It was generally agreed that the remaining mobile home permits and zoning requests would be heard prior to public hearings.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

02SN0145

In Bermuda Magisterial District, FRIDLEY'S WELDING SERVICE requests rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5) of 1.9 acres, amendment to zoning (Case 98S115) on 1.5 acres of existing C-5 and Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 3.4 acres fronting approximately 450 feet on

the west line of Jefferson Davis Highway, across from Gayland Avenue. Tax IDs 791-677-3297, 3392, 4189, 4284, 4379 and 4695 and 791-678-3418, 3513, 3608 and 3703 (Sheet 18).

Mr. Jacobson presented a summary of Case 02SN0145 and stated the Planning Commission recommends approval and acceptance of the proffered conditions, indicating that, in their opinion, the screening proffer will minimize the visibility of the expansion. He further stated staff recommends approval of the rezoning request and the amendment to zoning, but recommends denial of the Conditional Use Planned Development to permit exceptions to the ordinance requirements relative to paving and screening of outside storage areas.

Mr. Dean Hawkins, representing the applicant, stated the Planning Commission's recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mr. Warren, the Board approved Case 02SN0145 and accepted the following proffered conditions:

I. The following shall apply to that portion of the property being rezoned to C-5 (Tax IDs 791-677-3297, 3392 and 4695, 791-678-3418, 3513, 3608 and 3703):

1. A minimum twenty-five (25) foot buffer shall be maintained along the western property boundary adjacent to the Taw Street right-of-way. This buffer shall conform to the requirements of the Zoning Ordinance for twenty-five (25) foot buffers. (P)
2. A buffer shall be provided to screen outside storage areas from properties to the east and west. This buffer shall be accomplished by building design or by the use of durable architectural walls or fences constructed of comparable materials to the principal building and using a design compatible to the principal building on the property. The treatment of this buffer shall be approved at the time of site plan review and approval. (P)

(Staff Note: This Proffered Condition applies to any areas not addressed by Proffered Condition 10.)

3. Prior to any site plan approval, sixty (60) feet of right-of-way on the west side of Jefferson Davis Highway (U.S. Route 1 & 301), as measured from the centerline of that part of the road immediately adjacent to the request property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. The public wastewater system shall be used when a public sanitary sewer line is in place and operational on the western side of Jefferson Davis highway (U.S. Route 1 & 301) and is within 200 feet of the request site. (U)

II. The following shall apply to the existing C-5 property (Tax IDs 791-677-4189, 4284 and 4379) and the proposed C-5 property (Tax IDs 791-677-3297, 3392 and 4695, 791-678-3418, 3513, 3608 and 3703):

5. Prior to any site plan approval, thirty (30) feet of right-of-way on the east side of Taw Street, as measured from the centerline of that part of the road immediately adjacent to the request property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

6. Direct access from the request property shall be limited to one (1) entrance/exit on Jefferson Davis Highway (Route 1 & 301). The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded to ensure shared use of this access with the adjacent property to the south. (T)

(Note: This condition supersedes Proffered Condition 2 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.)

7. All outside storage areas shall be surfaced with at least six (6) inches of No. 21 or No. 21A stone. That area located within 175 feet of Jefferson Davis Highway and 115 feet of the southern boundary shall be paved with concrete, bituminous concrete or other similar material. (P)

(Note: This condition supersedes Proffered Condition 5 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.)

8. Any equipment stored on site shall not exceed a stored height of twelve (12) feet. (P)

(Note: This condition supersedes Proffered Condition 6 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.)

9. Uses permitted shall be restricted to the following:

- a) Any permitted or restricted uses in the C-3 District.
- b) Any permitted or restricted uses in the I-1 District.
- c) Boat sales, service, repair and rental.
- d) Building material sales yard, not including concrete mixing.
- e) Commercial automobile parking.
- f) Contractor's shops and storage yards.
- g) Farm implements and machinery sales, service, rental and repair establishments
- h) Motor vehicle sales, service, repair and rental.
- i) Satellite dishes.
- j) Utility trailer and truck rentals. (P)

(Note: This condition supersedes Proffered Condition 7 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.)

10. The view of any outside storage area shall be minimized by the following:

- a. A ten (10) to fourteen (14) foot high brick and metal siding, screening wall shall be installed generally parallel to Jefferson Davis Highway.
- b. A six (6) foot high wood privacy fence shall be installed along the western property line on the eastern edge of the twenty-five (25) foot buffer, as required by Proffered Condition 1.
- c. A brick and metal siding screening wall, with a top of wall elevation height equal to that of the wall of similar design as described in Condition 10a., shall be installed for a distance of sixty (60) feet parallel to the northern property line to enclose the storage area. In addition, an eight (8) foot high solid wood or concrete privacy fence shall be installed along this same line parallel to the northern property line for the remaining distance until it intersects the six (6) foot high wooden fence along the western property line as required in Proffered Condition 10.b. Landscaping shall be installed along the northern property boundary outside the fence to minimize the view of the fence from adjacent properties and rights of way. The exact species, spacing and size of landscaping shall be approved at the time of site plan review. (P)

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

03SN0305

In Matoaca Magisterial District, GILL GROVE BAPTIST CHURCH requests Conditional Use and amendment of zoning district map to permit child care center and private school uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suitable for Residential (R-88) zoning. This request lies in an Agricultural (A) District on 8.4 acres fronting approximately 600 feet on the east line of River Road, approximately 20 feet south of Nash Road. Tax IDs 754-626-1279 and 3599 and 754-627-1520 (Sheet 40).

Ms. Beverly Rogers presented a summary of Case 03SN0305 and stated staff recommends denial because the applicant fails to address the impacts on transportation by agreeing to provide turn lanes along River Road. She further stated the Planning

Commission recommended approval and acceptance of the proffered conditions, indicating the proposed uses should not generate the need for additional turn lanes.

Mr. Jeff Collins, representing the applicant, stated the applicant has agreed to close two existing entrances onto River Road and provide a right turn lane at the time their cumulative enrollment at the school and day care center exceeds 100. He requested that the Board approve the Planning Commission's recommendation.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved Case 03SN0305 and accepted the following proffered conditions:

1. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, any new development for school or child care center use shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in Emerging Growth Areas, excluding buffer requirements. (P)
2. The following setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
 - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent property in A and R Districts. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in the Zoning Ordinance for 50-foot buffers.
 - b. If outdoor play fields, courts, swimming pools and similar active recreational areas are setback more than 100 feet from the adjacent properties in A or R Districts, the landscaping or other design features described in Condition 2.a. may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 2.a.
 - c. Any playground areas shall be setback a minimum of forty (40) feet from all property lines. (P)
3. The operation of a child care center and/or school use shall be conducted in association with church or other places of worship use on the property. (P)

4. The child care center use will have a maximum enrollment of 50 children and the private school will have a maximum enrollment of 100 students. (P)
5. Direct access from the property to River Road shall be limited to two (2) entrance/exits. The exact location of these entrance/exits shall be approved by the Transportation Department. (T)
6. Prior to issuance of any additional building permits on the property, forty-five (45) feet of right of way on the east side of River Road, measured from the centerline of that part of River Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. Prior to enrollment of more than a cumulative total of one-hundred (100) students at the child care center and school, additional pavement shall be constructed on River Road at one of the entrance/exits approved access to provide a right turn lane. The developer shall dedicate, free and unrestricted, any additional right of way (or easements) required for these improvements. (T)

(NOTE: These conditions would not apply to any permitted use, such as a church, on the property.)

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

03SN0313

In Dale Magisterial District, DOUGLAS R. SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre or less. This request lies on 12.7 acres fronting approximately 220 feet on the south line of Courthouse Road across from Claridge Drive. Tax ID 751-677-5012 (Sheet 16).

Ms. Rogers presented a summary of Case 03SN0313 and stated staff recommends denial because the proposed zoning and land use do not comply with the Central Area Plan which designates the property for 1 to 2.5 dwelling units per acre. She further stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the proposal is supported by area property owners and the proposed Neighborhood Office zoning would have less impact on the area than Residential zoning.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the proposed use is supported by all residents in the neighborhood, and indicated the Planning Commission's recommendation is acceptable.

Mr. Warren called for public comment.

Mr. Dallas Bradbury, adjacent property owner, stated he and his neighbors support the proposed development.

Mr. Martin Davidson, adjoining property owner, expressed concerns relative to sight distance when turning out of the proposed development onto River Road.

Mr. Don Greer, representing the Kingdom Hall proposed for the property adjacent to the proposed development, stated the congregation supports the proposed development.

There being no one else to speak to the request, the public hearing was closed.

Mr. Miller stated he feels the proposed transition to Neighborhood Office would be less intense in some respects than additional Residential development, and the proffered conditions address all the critical issues.

Mr. Miller then made a motion, seconded by Mr. Warren, for the Board to approve Case 03SN0313 and accepted the following proffered conditions:

The Owners-applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 751-677-5012-00000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for O-1 is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. The public water and wastewater systems shall be used. (U)
3. Prior to any site plan approval, a fifty (50) foot wide right-of-way for a special access street from Courthouse Road to the southern property line (the "North/South Access Road") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
4. Prior to any site plan approval, a fifty (50) foot wide right-of-way for a special access street from the North/South Access Road to adjacent properties, as determined by the Transportation Department, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation

Department. At the time of site plan review, the Transportation Department may modify this condition to allow an access easement, acceptable to the Transportation Department, to be recorded in lieu of dedicating the right-of-way. (T)

5. Direct access from the property to Courthouse Road shall be limited to the North/South Access Road. (T)
6. Prior to the issuance of a certificate of occupancy, additional pavement shall be constructed on Courthouse Road at the North/South Access Road to provide a right turn lane. The developer shall dedicate any additional right-of-way (or easements) required for this improvement, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. Nullification: The property owner and developer (the "Developer") in this zoning case, pursuant to 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County for themselves and their successors or assigns proffer that the development of the property known as Tax ID No. 751 677 012 00000 (the "Property") under consideration will be developed according to the foregoing conditions, if, and only if, the rezoning request applied for herein is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the property. (P)

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

16. PUBLIC HEARINGS

16.B. TO CONSIDER RE-ADOPTION OF AN ORDINANCE EXEMPTING CONCESSION OPERATIONS OF CERTAIN YOUTH ATHLETIC ORGANIZATIONS FROM STATE FOOD HANDLING LAWS

Mr. Hammer stated this date and time has been advertised for a public hearing to consider re-adoption of an ordinance exempting concession operations of certain youth athletic organizations from state food handling laws. He further stated band boosters are covered under a separate exemption and do not have to be covered under the proposed ordinance.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Miller, seconded by Mr. McHale, the Board re-adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND
REENACTING SECTION 12-41 RELATING TO CONCESSION STANDS
AT YOUTH ATHLETIC FACILITIES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 12-41 of the Code of the County of Chesterfield, 1997, as amended, is amended and reenacted to read as follows:

ARTICLE III. REGULATION OF FOOD AT COUNTY FAIRS
AND CONCESSIONS AT YOUTH ATHLETIC ACTIVITIES

Sec. 12-41. Applicability of state law.

(a) The Code of Virginia, tit. 35.1, shall not apply to the county fairs sponsored by the Chesterfield County Fair Association or concession stands at youth athletic activities, when such stands are promoted or sponsored by either a youth athletic association or by any charitable nonprofit organization or group thereof which has been recognized by resolution of the county as being part of its youth recreational program.

(b) The advisory standards issued by the state board of health are incorporated herein by reference and shall apply to the sale, preparation, serving, transporting and handling of food at such fairs. The county health officer or his designee shall supervise the sale, preparation, service, transporting and handling of food at such fairs.

(c) It shall be the duty of the county's director of health, or a qualified person designated by him, to provide education and consultation, establish advisory standards and exercise appropriate supervision regarding the safe preparation, handling, protection and preservation of food at concession stands at youth athletic activities, to protect the public health.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

**16.C. TO CONSIDER AMENDING THE COUNTY'S UNSAFE STRUCTURES
ORDINANCE TO INCLUDE A CIVIL PENALTY**

Mr. Stith stated this date and time has been advertised for a public hearing to consider amending the county's unsafe structures ordinance to include a civil penalty.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. McHale, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 5-6 RELATING TO THE AUTHORITY TO
REMOVE, REPAIR OR SECURE UNSAFE OR DEFACED STRUCTURES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 5-6 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 5-6. Authority to remove, repair or secure unsafe or defaced structures.

(a) The building official may require property owners to remove, repair or secure any building, wall or other structure which is located on their property and which the building official has determined (i) poses a danger to public health or safety or (ii) has a defacement that is visible from a public right-of-way.

(b) If the building official determines that a building, wall or structure poses a danger to public health or safety, or has a defacement that is visible from a public right-of-way, he shall cause a notice to be served on the owner and any recorded lien holder of the building, wall or other structure, requiring the owner to remove, repair or secure the building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the county. No action shall be taken by the county to remove, repair or secure any building, wall or other structure for at least 30 days following the later of the return of the receipt or newspaper publication.

(c) The property owner shall remove, repair or secure the building, wall or structure, as required by the notice, within 30 days after notice has been given to the owners of such property as provided in subsection (b), whichever is later. If the owner fails to take the action required in the notice within the 30-day period, the building official may remove, repair or secure the building, wall or structure, as required by the notice. With respect to violations of subparagraph (a)(i), the costs and expenses of removing, repairing or securing shall be charged to and paid by the owners of the property and may be collected by the county as taxes and levies are collected.

(d) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, tit. 58.1, ch. 39, art. 3 (§§58.1-3940 et. seq.) and art.4 (§§ 58.1-3965 et. seq.), as amended. The county may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(e) In addition to the remedies set forth above, any owner of such property in violation of subparagraph (a) (i) who fails to take the action required in the notice within the 30-day period, shall be subject to a civil penalty of \$1,000.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

16.D. TO CONSIDER AMENDING THE COUNTY CODE TO ELIMINATE THE SUNSET PROVISION ON COURTHOUSE SECURITY FEES

Mr. Micas stated this date and time has been advertised for a public hearing to consider an ordinance relating to courthouse security fees.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 9-132 RELATING TO COURTHOUSE SECURITY FEES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 9-132 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 9-132. Collection of processing fees for persons admitted to jail following conviction and fees for courthouse security.

(a)(1) In addition to any other fees prescribed by law, a \$25.00 processing fee is hereby imposed on every individual admitted to the county or regional jail following conviction in a district or circuit court.

(2) This processing fee shall be ordered as a part of court costs collected by the clerk, deposited into the account of the county treasurer, and shall be appropriated to the sheriff to defray the costs of processing arrested persons into the jail.

(b)(1) In addition to any other fees prescribed by law, a fee of \$5.00 is hereby imposed in each criminal and traffic case in which the defendant is convicted of a violation of any statute or ordinance. The clerks of the district and circuit courts shall charge and

collect this fee as a part of the fees taxed as costs.

- (2) After collection by the clerk of the court in which the case is heard, the fee shall be remitted to the county treasurer and held subject to appropriation by the board of supervisors to the sheriff's office for funding courthouse security personnel.

Ayes: Warren, McHale, Humphrey and Miller.

Nays: None.

Absent: Barber.

16.E. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS PLUM STREET WITHIN CENTRALIA GARDENS, CHESSWOOD, SECTION C, AND SUNBURY TWO SUBDIVISIONS

Mr. Stith stated this date and time has been advertised for a public hearing to consider an ordinance to vacate a portion of a fifty-foot unimproved right of way known as Plum Street with Centralia Gardens, Chesswood, Section C, and Sunbury Two Subdivisions.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to JACQUELINE P. GOODWIN, unmarried, and KIMBERLY DAWN HAMILTON, ("GRANTEE"), a portion of a 50' and variable width unimproved right of way known as Plum Street in Dale Magisterial District, Chesterfield County, Virginia, as shown on the following plats duly recorded in the Clerk's Office, Circuit Court, Chesterfield County, Virginia: 1) Centralia Gardens, Plat Book 8, Page 47A; 2) Chesswood, Section C, Plat Book 38, Page 25; and, 3) Sunbury Two Subdivision, Plat Book 49, Page 20.

WHEREAS, JACQUELINE P. GOODWIN, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 50' and variable width unimproved right of way known as Plum Street, within Centralia Gardens Subdivision, in Plat Book 8, Page 47A, by GEORGE M. STEPHENS, dated AUGUST 1944, and recorded AUGUST 25, 1944, Chesswood, Section C, in Plat Book 38, Page 25, by LEGAT, ELROD & ASSOCIATES, dated JANUARY 26, 1981, recorded FEBRUARY 18, 1981 and Sunbury Two Subdivision, in Plat Book 49, Page 20, by CHARLES C. TOWNES & ASSOCIATES, P.C., dated JANUARY 3, 1985, recorded APRIL 22, 1985. The portion of right of way petitioned to be vacated is more fully described as follows:

A portion of a 50' and variable width unimproved right of way known as Plum Street within Centralia Gardens Subdivision, Chesswood, Section C, and Sunbury Two Subdivision, the location of which is

more fully shown on a plat made by CHESTERFIELD COUNTY DEPARTMENT OF UTILITIES, dated AUGUST 29, 2003, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the right of way sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of right of way be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portions of the plats vacated. This Ordinance shall vest fee simple title of the portion of right of way hereby vacated in the property owners of Lot 22, Block A, Sunbury Two Subdivision, and Lot 1, Block A, Chesswood, Section C, as shown on the attached plat, free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and JACQUELINE P. GOODWIN, unmarried, and KIMBERLY DAWN HAMILTON, or their successors in title, as GRANTEE.

Ayes: Warren, McHale, Humphrey and Miller.
Nays: None.
Absent: Barber.

Mr. Barber returned to the meeting.

16.A. TO CONSIDER AN ORDINANCE TO ESTABLISH THE "ENGLEWOOD SEWER ASSESSMENT DISTRICT" FOR 21-LOTS IN THE ENGLEWOOD SUBDIVISION

Mr. Stith stated this date and time has been advertised for a public hearing to consider an ordinance to establish the "Englewood Sewer Assessment District" for 21-lots in the Englewood Subdivision.

Mr. Warren called for public comment.

No one came forward to speak to the deferral.

Mr. Barber stated, after speaking with residents of Englewood

Subdivision, it appears the proposed 21-lot alternative is not acceptable.

Mr. Barber then made a motion, seconded by Mr. Miller, for the Board to deny the ordinance to establish the "Englewood Sewer Assessment District" for 21-lots in the Englewood Subdivision.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

18. ADJOURNMENT

On motion of Mr. McHale, seconded by Mr. Barber, the Board adjourned at 8:04 p.m. until October 8, 2003 at 4:00 p.m.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Lane B. Ramsey
County Administrator

Arthur S. Warren
Chairman